

Response under 37 C.F.R. § 1.116
U.S. Application No. 10/769,776

REMARKS

Claims 1, 3 and 5-18 have been examined. Claims 1 and 13 have been rejected under 35 U.S.C. § 102(e) and claims 3, 5-12 and 14-18 have been rejected under 35 U.S.C. § 103(a).

I. Rejections under 35 U.S.C. § 102(e) in view of U.S. Patent No. 6,809,713 to Peng ("Peng")

The Examiner has rejected claims 1 and 13 under 35 U.S.C. § 102(e) as allegedly being anticipated by Peng.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a based fixed to a first casing body and a provisional fixing member that attaches a display to the base such that the display is movable within a predetermined range relative to the base.

The Examiner maintains that the backing pad 2 discloses the claimed first casing body, the mobile clamps 4 disclose the claimed base and the bolt 43 and lock lug 51 disclose the claimed provisional fixing member (Fig. 2). However, Applicant submits that the alleged provisional fixing member 43, 51 does not attach the display to the base such that the display 5 is movable within a predetermined range. For example, Peng discloses the use of two mobile clamps 4 (alleged base) to hold the display 5 to the backing pad 2 (alleged first casing body). As shown in Figure 2 of Peng, the mobile clamps 4 can be provided in diagonal relation to one another, or the clamps can be slide along the grooves 26 to position at any point along the sides

of the backing pad 2 (Figs. 2, 6, 7; col. 2, lines 29-32; col. 3, lines 11-25). Since the display 5 is attached to the backing pad 2 at each side thereof via the two mobile clamps 4, the display 5 is incapable of moving within a predetermined range relative to the mobile clamps 4 (alleged base), as recited in claim 1. The Examiner appears to rely on only a *single* mobile clamp 4 being used (top of pg. 3 of Office Action). However, the reference clearly teaches that at least two (i.e., a “plurality”) of mobile clamps 4 are used (see portions of reference cited above).

Claim 1 further recites a positioning portion that retains the display at a predetermined position.

The Examiner maintains that the bolt hole 16 of Peng discloses the claimed positioning portion. The bolt hole 16 is part of the concave rib 13 of the front molding 1 (alleged second casing body (Fig. 13)). The bolt hole 16 corresponds to the bolt hole 29 of the backing pad 2 (alleged first casing body). The front molding 1 and the backing pad 2 are held together by a bolt passed through the bolt holes 16 and 29 (col. 3, lines 43-51). Applicant submits that such portion fails to provide any type of positioning portion that retains the display 5 at a predetermined position. In particular, the bolts holes 16 and 29 do not contact the display 5 at all. Rather, as set forth above, it is the mobile claims 4, placed on either side of the backing pad 2, that hold the display 5 to the backing pad 2.

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited reference.

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B. Claim 13

Since claim 13 contains analogous features as recited above for claim 1, Applicant submits that claim 13 is patentable for at least analogous reasons as claim 1.

II. Rejection under 35 U.S.C. § 103(a) in view of Peng and U.S. Patent No. 5,775,233 to Kendall ("Kendall")

The Examiner has rejected claim 3 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Peng in view of Kendall. However, since claim 3 is dependent upon claim 1, and Kendall fails to cure the deficient teachings of Peng, in regard to claim 1, Applicant submits that claim 3 is patentable at least by virtue of its dependency.

III. Rejections under 35 U.S.C. § 103(a) in view of Peng and U.S. Publication No. 2003/0058380 to Kim et al. ("Kim")

The Examiner has rejected claims 5-7 and 14-18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Peng in view of Kim. However, since claims 5-7 and 14-18 are dependent upon one of claims 1 or 13, and Kim fails to cure the deficient teachings of Peng, in regard to claims 1 and 13, Applicant submits that claims 5-7 and 14-18 are dependent at least by virtue of their dependency.

IV. Rejections under 35 U.S.C. § 103(a) in view of Peng and U.S. Patent No. 6,525,790 to Kan-o (“Kan-o”)

The Examiner has rejected claims 8 and 9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Peng in view of Kan-o. However, since claims 8 and 9 are dependent upon claim 1, and Kan-o fails to cure the deficient teachings of Peng, in regard to claim 1, Applicant submits that claims 8 and 9 are patentable at least by virtue of their dependency.

In addition, claim 8 recites a resilient member for pushing the display against an inner face of the second casing body.

The Examiner acknowledges that Peng fails to disclose the claimed resilient member, but contends that Kan-o does. However, irrespective of whether Kan-o discloses a resilient member, Applicant submits that one skilled in the art would not be motivated to provide a resilient member to push the display 5 of Peng against an inner face of the front molding 1 (alleged second casing body) because the display 5 is incapable of being pushed forward. As set forth above in Applicant’s remarks regarding claim 1, the display 5 is clamped on each side thereof by the mobile clamps 4. Thus, the alleged resilient member of Kan-o would have no purpose in the apparatus of Peng. Accordingly, Applicant submits that one skilled in the art would not be motivated to modify the teachings of Peng in the manner set forth by the Examiner.

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V. Rejections under 35 U.S.C. § 103(a) in view of Peng, Kan-o and U.S. Patent No. 6,665,025 to Lee ("Lee")

The Examiner has rejected claims 10 and 12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Peng, Kan-o and Lee. However, since claims 10 and 12 are dependent upon claim 1, and Kan-o and Lee fail to cure the deficient teachings of Peng, in regard to claim 1, Applicant submits that claims 10 and 12 are patentable at least by virtue of their dependency.

VI. Rejection under 35 U.S.C. § 103(a) in view of Peng, Kan-o, Lee and U.S. Patent No. 6,226,535 to Sun ("Sun")

The Examiner has rejected claim 11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Peng, Kan-o, Lee and Sun. However, since claim 11 is dependent upon claim 1, and Kan-o, Lee and Sun fail to cure the deficient teachings of Peng, in regard to claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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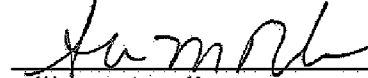
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